

**ELK RIDGE SUBDIVISION
FIVE-LOT FIRST MINOR SUBDIVISION**

DRAFT STAFF REPORT FOR PLANNING BOARD

CASE PLANNER:

Randy Fifrick *RF*

REVIEWED/

APPROVED BY:

Tristan Riddell *TR*

PUBLIC MEETINGS:

Planning Board Public Meeting

7:00 PM March 4, 2009

BCC Public Meeting:

9:00 AM March 23, 2009

Deadline for BCC action (35 working days):

April 8, 2009

SUBDIVIDER:

Terry Basolo

902 Granite Creek Road

Florence, MT 59833-6659

REPRESENTATIVE:

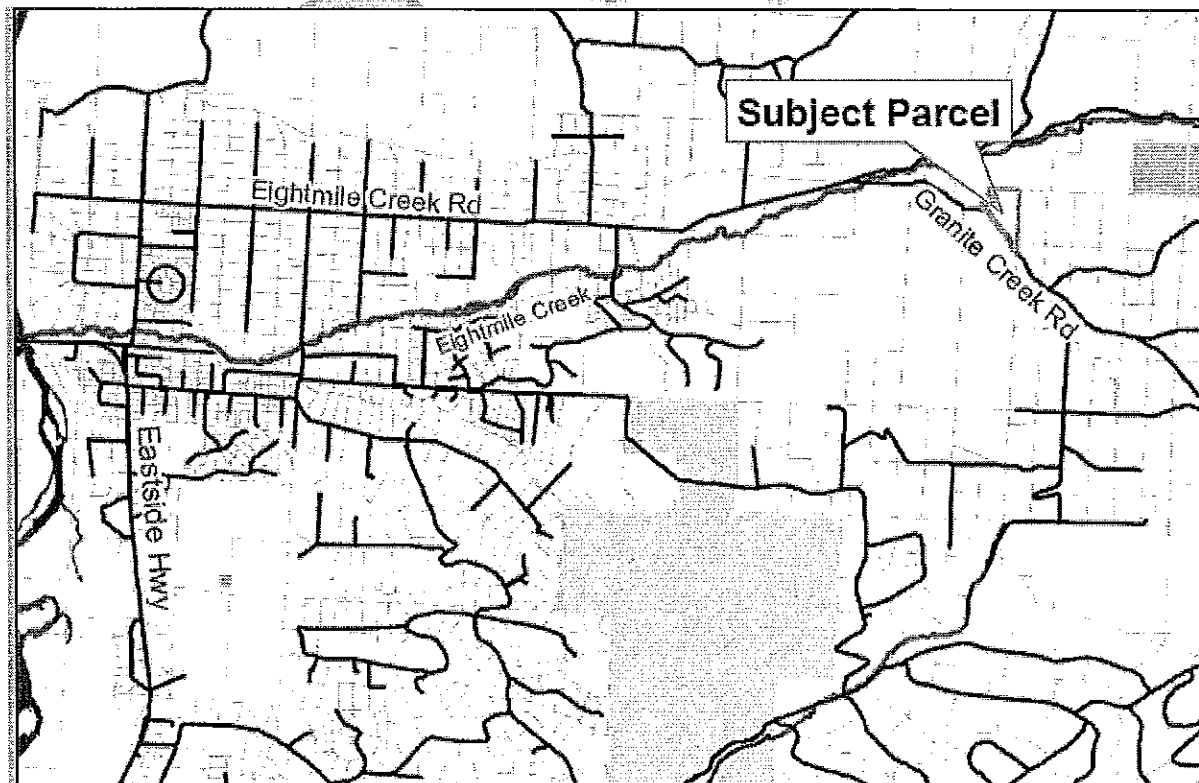
William E. Burnett

Professional Consultants, Inc. (PCI)

1713 N. 1st Street

Hamilton, MT 59840

LOCATION OF REQUEST: The property is located on Granite Creek Road southeast of its intersection with Eight Mile Creek Road near Florence. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Section 11, T10N, R19W, Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined sufficient on February 18, 2009. Agencies were notified of the subdivision on April 18, 2008 and February 18, 2009. Comments received from agencies are Exhibits A-1 through A-12 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by regular mail dated February 18, 2009. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property:	Vacant Land
North:	Single Family Residential
South:	Single Family Residential
East:	Ranchland
West:	Granite Creek Road and undeveloped creek bottomlands (Granite Creek Riparian Corridor)

INTRODUCTION

The subdivision proposal is for 5 lots on 16.56 acres. Access to this property is via Eight Mile Creek Road, Granite Creek Road and the internal subdivision road, Sandpiper Drive.

The applicant has requested one variance for this subdivision, which is from Section 5-4-4(h) of the Ravalli County Subdivision Regulations, for maximum cul-de-sac length. The subdivision regulations require roads ending in a cul-de-sac to be no longer than 1,400 feet, but the proposed road length is approximately 2,375 feet.

The Planning Department received comments from David Ohnstad, Ravalli County Road and Bridge Department Director, stating among other things that Granite Creek Road has neither the design nor structural capacity to assume additional traffic demand.

Staff recommends conditional approval of the variance and denial of the subdivision proposal based on negative impacts to local services and public health and safety.

PLANNING STAFF RECOMMENDED MOTIONS

1. That the variance request from Sections 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.
2. That the Elk Ridge Minor Subdivision be **denied** based on off-site road conditions that will have significant negative impacts on local services and public health and safety that have not been mitigated.

IF THE SUBDIVIDER WERE ABLE TO REMEDY THE PROBLEMS WITH GRANITE CREEK ROAD PLANNING STAFF WOULD RECOMMEND THE FOLLOWING CONDITIONS FOR APPROVAL

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below could be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (Section 3-2-8(b)(v), RCSR, Impacts on Agriculture)

Notification of Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Granite Creek Road frontage of Lots 4 and 5. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health and Safety)

Notification of Road Maintenance Agreement. The internal subdivision road, Sandpiper Drive, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for these roads was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)

Notification of Severe Soils. Within this subdivision there are areas of the property identified by the Natural Resources Conservation Service (NRCS) as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat. Descriptions of the severe soils in question are included as exhibits to this document [the subdivider shall include the exhibits as attachments]. (Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v), RCSR, Impacts on Natural Environment)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into

structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

Flood Insurance. It is strongly recommended that property owners obtain flood insurance due to the proximity of the flood hazards as standard homeowner's insurance policies do not cover flood damages. (*Section 3-2-8(b)(v), Effects on Public Health & Safety*)

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Effects on the Natural Environment*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b)(v), RCSR, Impacts on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing,

- netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. Electric fencing is necessary to effectively prevent wildlife such as bears from entering a garden or fruit tree/shrub area, but only if the fence is properly constructed and regularly monitored and maintained to ensure proper use and function. Consult with the Montana Department of Fish, Wildlife and Parks on the proper techniques to develop and maintain an effective electric fence.
 - c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. (Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers or storage areas.)
 - d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
 - e. **Birdseed** is an attractant to bears, and outdoor birdfeeders are strongly discouraged from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
 - f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
 - g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
 - h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
 - i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and

help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.

- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health and Safety)

Control of Noxious Weeds. A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Florence Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council, which includes the Florence Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (Section 3-2-8(b)(v), RCSR, Effects on all six criteria)

- 3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all

rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)

4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
5. Prior to final plat approval, the subdividers shall provide a letter from the Florence Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that a \$500 per lot contribution has been submitted to the Florence Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information". (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
7. The applicant shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety))
8. Sandpiper Drive shall be constructed with a paved travel surface of 20 feet and a minimum of 1-foot shoulders, for a total width of 22 feet. (Section 3-2-8(b)(v), RCSR, Effects on Local Service and Public Health & Safety)
9. The applicant shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Florence Post Office's standards, and that the installation has been approved by the Florence Post Office prior to final plat approval. Alternatively, should the Florence Post Office allow for individual mailboxes, evidence shall be provided indicating that a CBU is not required. (Section 3-2-8(b)(v), RCSR, Effects on Local Services)
10. The subdivider shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Florence-Carlton School District. The applicant shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)
11. The applicant shall work with the Florence-Carlton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Granite Creek Road and Sandpiper Drive. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements

are required, the applicant shall complete the improvements prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

12. The final plat shall show a no-ingress/egress zone along the subdivisions frontage with Granite Creek Road, except for the approved encroachment for the internal subdivision road, Sandpiper Drive. (*Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety*)
13. The no-build/alteration zone on slopes greater than 25% shall be shown on the final plat as proposed on the preliminary plat. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)
14. The internal subdivision road shall be labeled as "public road and utility easement" on the final plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
15. A stop sign and road name sign shall be installed at the intersection of Granite Creek Road and Sandpiper Drive prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
16. A paved "hammerhead turnout" shall be installed at the intersection of the existing driveway that serves the property to west and Sandpiper Drive. Road plans for the proposed turnout need to be reviewed and approved by the RCRBD prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
 - a. Project name
 - b. Title block
 - c. Certificate of registered owner – notarized
 - d. Certificate of registered land surveyor with seal
 - e. Certificate of governing body approval
 - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g. Certificate of public dedication
 - h. Certificate of park cash-in-lieu payment
 - i. Other certifications as appropriate
 - j. North arrow
 - k. Graphic scale
 - l. Legal description
 - m. Property boundaries (bearings, lengths, curve data)
 - n. Pertinent section corners and subdivision corners
 - o. Names of adjoining subdivisions/certificates of survey
 - p. Monuments found
 - q. Witness monuments
 - r. Acreage of subject parcel
 - s. Curve data (radius, arc length, notation of non-tangent curves)
 - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u. Lots and blocks designated by number (dimensions/acreage)
 - v. Easements/rights of ways (location, width, purpose, ownership)
 - w. No-build/alteration zones
 - x. No-ingress/egress zones
 - y. Water resources (rivers, ponds, etc.)
 - z. Existing and new roads (names, ownership, etc.)
 - aa. Existing and proposed road, utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.

11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
13. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
14. Evidence of Ravalli County approved road name petitions for each new road.
15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
16. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal.
17. Road certification(s).
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
20. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
21. A copy of the letter sent to the Florence School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
22. The applicant shall pay the pro rata share of the cost to improve the portion of Eight Mile Creek Road and Granite Creek Road leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)
23. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
 - Prior to final plat approval, specific infrastructure improvements potentially required for this subdivision are the installation of a stop sign and road name sign, installation of the CBU and concrete slab, construction of the internal subdivision road, and construction of the bus shelter and turnout, if applicable.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along Granite Creek Road. (Elk Ridge Subdivision Application)
2. A proposed 60' public road and utility easement would provide utilities to all lots within the subdivision. (Elk Ridge Subdivision Application)
3. *Existing and proposed utility easements would be required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application would provide for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

1. The property is accessed via Eastside Highway to Eight Mile Creek Road to Granite Creek Road to the internal subdivision road, Sandpiper Drive. (Map 1)
2. Eastside Highway is a state operated road. (MDT)
3. Eight Mile Creek Road is listed as a county-maintained road. (RCSR)
4. Granite Creek Road is listed as a county-maintained road. (RCSR)
5. The applicant would be required to pay the pro rata share of the cost to improve these County roads to meet County standards. (RCSR)
6. The internal road, Sandpiper Drive would provide legal and physical access to all lots within the subdivision via a 60-foot wide public road and utility easement. (Elk Ridge Preliminary Plat)
7. A Road Maintenance Agreement outlines what parties would be responsible for maintaining Sandpiper Drive and under what conditions. (Elk Ridge Subdivision Application)
8. *The applicant would be required to pay the pro rata share of the cost to improve the portions of Eight Mile Creek and Granite Creek leading to the subdivision prior to final plat approval. (Final Plat Requirement 22)*

Conclusion of Law

Legal and physical access would be provided to all lots within the subdivision via Eastside Highway, Eight Mile Creek Road, Granite Creek Road, and Sandpiper Drive

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The applicant would be required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 23):

- Prior to final plat approval, specific infrastructure improvements potentially required for this subdivision are the installation of a stop sign and road name sign,

installation of the CBU and concrete slab, construction of the internal subdivision road, and construction of the bus shelter and turnout, if applicable.

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty would ensure that the improvements are installed.

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. Average lot size of the proposal is 2.9 acres. (Elk Ridge Subdivision Application)
3. There are no water rights associated with this property. (Elk Ridge Subdivision Application)

Conclusion of Law

As no water rights are present on the subject property, the subdivision is considered to have met these requirements.

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii), the subdivider is required to establish ditch easements in the subdivision that:
 - (A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There are no irrigation ditches on or within 300 feet of the property. (Elk Ridge Subdivision Application)

Conclusion of Law

As no irrigation infrastructure is present on the subject property, the subdivision is considered to have met these requirements.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. All lots within the subdivision are proposed for residential use. (Elk Ridge Subdivision Application)
2. The application states that 0.55 acres would be required to meet the parkland dedication requirement. (Elk Ridge Subdivision File)
3. RCSR Section 6-1-5(a) require an applicant to make a land donation to the County, make a cash donation to the County, reserve land within the development for the recreational uses for those within the development, and/or reserve land for one or more of the following purposes:
 - a. Protection of critical wildlife habitat;
 - b. Protection of cultural, historical, or natural resources;
 - c. Protection of agricultural lands; or
 - d. Protection of aesthetic values, including open space and scenic vistas
4. Pursuant to RCSR Section 6-1-5(a)(4)(b), the applicant is proposing to meet the parkland dedication requirement by making a cash donation to the County. (Elk Ridge Subdivision Application)
5. In a letter dated April 23, 2008, Robert Cron, representing the Ravalli County Parks Board at the time, stated that the parkland dedication requirement is smaller than the desired size for a neighborhood park and the subdivision is also located remotely from County populations. The Ravalli County Parks Board therefore recommends that the applicants provide cash-in-lieu to meet their park obligation. (Exhibit A-1)
6. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the applicant and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the applicant, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
7. *If the BCC approves the subdivision and determines that cash-in-lieu is appropriate, the applicant would be required to hire an appraiser as outlined in Section 6-1-7 of the RCSR. The BCC would determine whether or not the amount is acceptable (Final Plat Requirement 12)*

Conclusion of Law

The applicant has proposed parkland dedication that meets State Law.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. With the approval of the requested variance from Section 5-4-4(h) Table B-1, the subdivision design as indicated on the preliminary plat would meet the design standards in Chapter 5 of the RCSR. (Elk Ridge Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Elk Ridge Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

B. Applicable zoning regulations.

Findings of Fact

1. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
2. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Elk Ridge Subdivision Application)

Conclusion of Law

There are no zoning regulations that apply to the property.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants or deed restrictions on the property. (Elk Ridge Subdivision Application)

Conclusion of Law

Compliance with covenants and/or deed restrictions is not applicable.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at the pre-application conference held on September 21, 2007. (Elk Ridge Subdivision File)
3. *Prior to final plat approval, the applicants would be required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)*

Conclusion of Law

With the requirements of final plat approval, the application would meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on approximately 16.5 acres would result in 5 lots that range in size from 2.37 acres to 3.87 acres. (Elk Ridge Subdivision Application)

2. The new soils data available from the NRCS Web Soil Survey shows that the soils on the property are rated "not prime farmland" on the subject property. (NRCS Websoil Survey)
3. The subject parcels are classified for tax purposes as agricultural rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
4. Parcels adjacent to the subject property are classified for tax purposes as agricultural rural and residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
5. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed was scattered on the property. (Elk Ridge Subdivision Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
7. *Following are conditions and requirements of final plat approval that could mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations could be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, could include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan would be required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision could be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there could be minimal impacts on agriculture.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. There are no water rights associated with this property. (Elk Ridge Subdivision Application)
2. There are no irrigation ditches on or within 300 feet of the property. (Elk Ridge Subdivision Application)

Conclusion of Law

With no water rights or irrigation ditches on the property, there would be no impact on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the jurisdiction of the Florence Rural Fire District. (Elk Ridge Subdivision Application)
2. Notification letters were sent to the Florence Rural Fire District requesting comments on April 18, 2008 and February 18, 2009. (Elk Ridge Subdivision File)
3. In an email dated January 9, 2008 (Elk Ridge Subdivision Application), former Florence Fire Chief Dan Martin made the following recommendations:
 - All homes shall install residential sprinkler systems

- All internal roads need to meet or exceed current county regulations
 - The developer should consider the construction of a hammerhead turnaround at the end of Sandpiper Drive
 - All house numbers need to be clearly marked
4. In a subsequent email dated April 29, 2008, Mr. Martin stated that he did not have a problem with the length of Sandpiper Drive. (Exhibit A-3)
 5. Case planner Randy Ffrrick of the Planning Department met with current Florence Fire Chief Charlie Lambson and Professional Consultants, Inc. (PCI) to discuss the subdivision and variance request on February 12, 2009 at the site of the proposed subdivison. Charlie stated he had no concerns about the internal subdivision road, Sandpiper Drive, but has had problems with Granite Creek Road in the past. (Exhibit A-4).
 6. The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards (outlined in a document from the Hamilton Rural Fire Department) that address access, posting of addresses, and water supply requirements. The Fire Council also recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Exhibit A-5)
 7. In a letter dated September 25, 2008, Ravalli County Fire Warden Ronald Ehli, on behalf of the Ravalli County Fire Council requested that all interior roadways for new development be constructed with a travel surface of 20 feet with a minimum of 1-foot shoulders, for a total width of 22 feet. (Exhibit A-6)
 8. *The following conditions could mitigate impacts of the subdivision on the Florence Rural Fire Department:*
 - *Provisions could be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *Prior to final plat approval, the subdividers could provide a letter from the Florence Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for the additional lot. Alternatively, the subdividers could provide evidence that \$500 has been contributed to the Florence Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement could be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". (Condition 6)*
 - *Sandpiper Drive could be constructed with a paved travel surface of 20 feet and a minimum of 1-foot shoulders, for a total width of 22 feet. (Condition 8)*

School District

9. The proposed subdivision is located within the Florence-Carlton School District. (Elk Ridge Subdivision Application)
10. It is estimated that 2.5 school-aged children could be added to the Florence-Carlton School District, assuming an average of 0.5 children per household. (Census 2000)
11. Notification letters were sent to the Florence-Carlton School District requesting comments on April 18, 2008 and February 18, 2009. (Elk Ridge Subdivision File)
12. In a letters dated April 24, 2008 and February 20, 2009, John McGee, Superintendent of the Florence-Carlton School District, stated that the School District is requesting a fee of \$10,418 per lot. This fee is based on an impact fee study. The County has yet to adopt impact fees. (Exhibit A-7)

13. The cost per pupil for one year in the Florence-Carlton School District, excluding capital costs, is \$6,686. The tax levy per pupil, excluding capital costs, is \$2,239. Taxes from new residents are not immediately available to the school districts. (Exhibit A-8)
14. The applicant has not proposed any mitigation to the School District at this time. (Staff Determination)
15. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-9)
16. *To mitigate impacts on the School District:*
 - *The applicant could negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Florence-Carlton School District. The applicant would need to ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 10)*
 - *The applicant could work with the Florence-Carlton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Granite Creek Road and Sandpiper Drive. The applicant would need to provide evidence that they have worked with the School District prior to final plat approval and any required improvements meet the minimum standards as decided upon by the School District. If any improvements are required, the applicant would need to complete the improvements prior to final plat approval. (Condition 11)*

Roads

17. It is estimated that this subdivision could generate an additional 40 trips per day; assuming 8 vehicle trips per new residential lot. (Elk Ridge Subdivision Application)
18. The property is accessed via Eastside Highway to Eight Mile Creek Road to Granite Creek Road to the internal subdivision road, Sandpiper Drive. (Map 1)
19. Eastside Highway is a state operated road. (MDT)
20. Eight Mile Creek Road is listed as a county-maintained road. (RCSR)
21. In an email, dated February 25, 2009, David Ohnstad, Ravalli County Road and Bridge Department (RCRBD) Director, stated the Road & Bridge Department invested in improvements to Eight Mile Creek Road last summer; however, there will remain an assessment for any additional traffic impact upon that roadway. (Exhibit A-12)
22. Granite Creek Road is listed as a county-maintained road. (RCSR)
23. In his email dated February 25, 2009, David Ohnstad stated that much of Granite Creek Road is an, essentially, unimproved trail with abrupt horizontal and vertical curvature, vertical roadway slopes (in-slopes and back-slopes), limited sight distances, substantial canopy and non-existent clear zones. Given its design and location, Granite Creek Road presents considerable challenges for winter roadway operations and is often subject to very icy conditions in the winter and significant surface distress during the summer. (Exhibit A-12)
24. Later in his email dated February 25, 2009, David Ohnstad states that Granite Creek Road is functionally classified as a Minor Local Access roadway and there are no plans to make any substantive improvements to this roadway. Given this situation Granite Creek Road has neither the design nor structural capacity to assume additional traffic demand. (Exhibit A-12)
25. In a follow-up to his earlier email dated February 25, 2009, David Ohnstad stated in reply to a request for possible mitigation on Granite Creek Road that as far as Granite Creek Road, he is not certain that there is mitigation, short of re-construction, that would reasonably address the identified concerns. With 202 current ADT, Granite Creek Road already is likely far beyond reasonable capacity, given its many challenges. As noted, Ravalli County has no plans to invest in any significant improvements on this Minor Local Access roadway. Any significant

improvements would most likely occur through the establishment of a Rural Special Improvement District (RSID). The Road & Bridge Department will not recommend committing currently appropriated resources to such a project and the RSID would have to be approved in advance by a significant majority of property owners before we would make positive recommendation to the BCC on such a proposal. (Exhibit A-12)

26. The applicant would be required to pay the pro rata share of the cost to improve Eight Mile Creek Road and Granite Creek Road to meet County standards. (RCSR)
27. The internal road, Sandpiper Drive, could provide legal and physical access to all lots within the subdivision via a 60-foot wide public road and utility easement. (Elk Ridge Preliminary Plat)
28. A Road Maintenance Agreement outlines what parties would be responsible for maintaining Sandpiper Drive and under what conditions. (Elk Ridge Subdivision Application)
29. In a letter dated September 25, 2008, Ravalli County Fire Warden Ronald J. Ehli, on behalf of the Ravalli County Fire Council requested that all interior roadways for new development be constructed with a travel surface of 20 feet with a minimum of 1-foot shoulders, for a total width of 22 feet. (Exhibit A-6)
30. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements could be met:*
 - *The applicant would be required to pay the pro rata share of the cost to improve the portions of Eight Mile Creek and Granite Creek leading to the subdivision prior to final plat approval. (Final Plat Requirement 22)*
 - *A final approach permit from the Ravalli County Road and Bridge Department for the internal subdivision road would need to be submitted with the final plat. (Final Plat Requirement 13)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat could address these services/facilities. (Conditions 2 and 3)*
 - *The final plat could show a no-ingress/egress zone along the subdivisions frontage with Granite Creek Road, except for the approved encroachment for the internal subdivision road, Sandpiper Drive. A notification of the no-ingress/egress zone could be included in the notifications document. (Final Plat Requirement 2 and Condition 1)*
 - *The easement for the internal subdivision road could be labeled as a public road and utility easement on the final plat. (Condition 14)*
 - *Sandpiper Drive could be constructed with a paved travel surface of 20 feet and a minimum of 1-foot shoulders, for a total width of 22 feet. (Condition 8)*
 - *A stop sign and road name sign could be installed at the intersection of Granite Creek Road and Sandpiper Drive prior to final plat approval. (Condition 15)*
 - *A paved "hammerhead turnout" could be installed at the intersection of the existing driveway that serves the property to west and Sandpiper Drive. Road plans for the proposed turnout need to be reviewed and approved by the RCRBD prior to final plat approval. (Condition 16)*

Water and Wastewater Districts

31. Individual wells and wastewater treatment systems are proposed to serve the lots. (Elk Ridge Subdivision Application)
32. The property is not near any municipal water or wastewater systems. (Elk Ridge Subdivision Application)

Public Safety Systems (Sheriff, E-911, DES)

33. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Elk Ridge Subdivision Application)

34. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on April 18, 2008 and February 18, 2009, but no comments have been received from the Sheriff's Office. (Elk Ridge Subdivision File)
35. The average number of people per household in Ravalli County is 2.5. This proposal could add approximately 12.5 people to Ravalli County. (Census 2000)
36. Taxes from new residents may not be immediately available to law enforcement services, E-911, and Disaster & Emergency Services (DES). Currently, there is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)
37. *The applicant could negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The applicant would need to ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)*

Mail Delivery Services

38. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS. This was later clarified in an email from Mike Wyrwas received on June 29, 2007, in which he stated that if a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels a CBU is more efficient than a row of rural mail boxes. (Exhibit A-10)
39. *To mitigate impacts on local services, the applicant could provide evidence that CBUs have been installed in accordance with the Florence Post Office's standards, and that the installation has been approved by the Florence Post Office prior to final plat approval. (Condition 9)*

Ambulance Services

40. Ambulance services would be provided by Marcus Daly Memorial Hospital EMS Department and Missoula Emergency Service. (Elk Ridge Subdivision File)
41. Marcus Daly and Missoula Emergency Service were sent notification letters on April 18, 2008 and February 18, 2009. (Elk Ridge Subdivision File)
42. Marcus Daly Ambulance Service does respond to the area. The ambulance responding to the area would be coming from Stevensville with a response time between 10 to 15 minutes. (Elk Ridge Subdivision Application)
43. Missoula Emergency Service does respond to the area. Their average response time to the Granite Creek Road area would be approximately 20 to 30 minutes. (Elk Ridge Subdivision Application)
44. *To mitigate impacts on emergency services, the subdivider could provide evidence with the final plat submittal that they have applied for a County-issued address for the new lot. (Condition 4)*

Solid Waste Services

45. Bitterroot Disposal provides solid waste service to this site. (Elk Ridge Subdivision Application)
46. Notification letters were sent to Bitterroot Disposal requesting comments on April 18, 2008 and February 18, 2009, but no comments have been received. (Elk Ridge Subdivision File)

Utilities

47. The proposed subdivision would be served by Ravalli Electric Cooperative and Qwest Communications. (Elk Ridge Subdivision Application)

48. Notification letters were sent to both utility companies requesting comments on April 18, 2008 and February 18, 2009, but no comments have been received by either company. (Elk Ridge Subdivision File)
49. *The following requirements could mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements would need to be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant would need to submit utility availability certifications from Ravalli Electric Cooperative and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

General

50. Growth may impact the quality of general services that Ravalli County can provide to residents. (Staff Determination)

Conclusion of Law:

While many of the impacts on local services can be addressed through mitigation, sufficient mitigation has not been proposed to address the impacts of the off-site road conditions on emergency vehicle access and traffic flow.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision would add 5 new homes to an area of existing low density development east of Florence. (Elk Ridge Subdivision Application)
2. The Montana Department of Environmental Quality (DEQ) has reviewed the PM_{2.5} (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM_{2.5} dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. (Exhibit A-11)
3. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
4. *To mitigate impacts on air quality, the notifications document could include a provision recommending that homeowners refrain from installing wood stoves. (Condition 1)*

Ground/Surface Water

5. The applicants are proposing individual wells and wastewater treatment facilities for all lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Elk Ridge Subdivision File)
6. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Elk Ridge Subdivision File, MCA 76-3-622)
7. The northern property boundary of the proposed subdivision is located approximately 780 horizontal feet from Eight Mile Creek. (Ravalli County GIS)
8. Ravalli County Floodplain Administrator Laura Hendrix granted a floodplain analysis waiver request for the subject property on June 9, 2008. (Elk Ridge Subdivision Application)

9. *The applicant would be required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Light Pollution

10. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, www.darksky.org)
11. *To mitigate the impacts of light pollution stemming from new construction, the notifications document could include a provision recommending full cut-off lighting on new construction. (Condition 1)*

Vegetation

12. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed were scattered on the property. (Elk Ridge Subdivision Application)
13. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district would need to notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan would need to be submitted to the weed board for approval by the board. (7-22-2152, MCA)
14. *To mitigate impacts on the natural environment, a noxious weed control provision could be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Archaeological Resources

15. There are no known sites of historical significance on the property. (Elk Ridge Subdivision Application)
16. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement could be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment could be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks requesting comments on April 18, 2008 and February 18, 2009.
2. Wildlife species such as elk, white-tailed deer, coyote, fox, raccoon and skunk, as well as black bear and probable mountain lion and wolf, could be expected in this area. Numerous small-mammal and bird species would be found nearby. (Exhibit A-2)
3. On May 27, 2008, Montana Fish, Wildlife, & Parks submitted comments recommending that "living with wildlife" covenants be included for the subject property. (Exhibit A-2)
4. The FWP letter dated May 27, 2008 states that the proposed subdivision is located within identified deer and elk winter range in the Eight Mile Creek area. (Exhibit A-2)
5. The FWP letter continues to state that the subject property is not an important component of the winter range, due partly to its relatively low elevation along lower Granite Creek. While any loss of habitat is not good, FWP foresees no direct adverse effect of this proposal on deer and

- elk winter range. (Exhibit A-2)
6. According to the Montana Natural Heritage Program, the Townsend's Big-eared Bat and Gray Wolf were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Ravalli County GIS)
 7. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the Townsend's Big-eared Bat because of lack of habitat on the property and negligible impacts for the species. (Elk Ridge Subdivision Application, Elk Ridge Subdivision File)
 8. According to Liz Bradley, a wolf biologist from FWP, the Welcome Creek wolf pack consisting of four individuals, periodically is present in the Eight Mile and Granite Creek areas, which may include the proposed subdivision. (Elk Ridge Subdivision Application)
 9. The subdivider submitted a sensitive species report for the gray wolf that that was prepared by Joe Elliott, an Ecological Consultant from Missoula. (Elk Ridge Subdivision Application)
 10. An onsite survey of the Elk Ridge parcel performed by Joe Elliott on May 28, 2008 did not identify any sign of wolf activity such as tracks, feces, or potential den sites. Mr. Elliott further states the proposed subdivision would have negligible effect on foraging, breeding, and rearing of young. (Elk Ridge Subdivision Application)
 11. *To mitigate impacts on wildlife and wildlife habitat, the following conditions could be met:*
 - *The covenants could include a living with wildlife section. (Condition 2)*
 - *The notifications document could include a provision recommending full cut-off lighting. (Condition 1)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on wildlife and wildlife habitat could be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. The property is accessed via Eastside Highway to Eight Mile Creek Road to Granite Creek Road to the internal road, Sandpiper Drive. (Map 1)
2. In his email dated February 25, 2009, David Ohnstad stated that much of Granite Creek Road is an, essentially, unimproved trail with abrupt horizontal and vertical curvature, vertical roadway slopes (in-slopes and back-slopes), limited sight distances, substantial canopy and non-existent clear zones. Given its design and location, Granite Creek Road presents considerable challenges for winter roadway operations and is often subject to very icy conditions in the winter and significant surface distress during the summer. (Exhibit A-12)
3. Later in his email dated February 25, 2009, David Ohnstad states that Granite Creek Road is functionally classified as a Minor Local Access roadway and there are no plans to make any substantive improvements to this roadway. Given this situation Granite Creek Road has neither the design nor structural capacity to assume additional traffic demand. (Exhibit A-12)
4. In a follow-up to his earlier email dated February 25, 2009, David Ohnstad stated in reply to a request for possible mitigation on Granite Creek Road that as far as Granite Creek Road, he is not certain that there is mitigation, short of re-construction, that would reasonably address the identified concerns. With 202 current ADT, Granite Creek Road already is likely far beyond reasonable capacity, given its many challenges. As noted, Ravalli County has no plans to invest in any significant improvements on this Minor Local Access roadway. Any significant improvements would most likely occur through the establishment of a Rural Special Improvement District (RSID). The Road & Bridge Department will not recommend committing currently appropriated resources to such a project and the RSID would have to be approved in

advance by a significant majority of property owners before we would make positive recommendation to the BCC on such a proposal. (Exhibit A-12)

5. *The requirements and conditions listed under Roads in Criterion 3 could provide minimal mitigation to the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

6. The proposed subdivision would be served by the Florence Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Elk Ridge Subdivision Application)
7. The property is located 6.5 miles from the Florence Rural Fire Station. (Elk Ridge Subdivision Application)
8. The property is located approximately 39 miles from the Sheriff's Dispatch in Hamilton. (Elk Ridge Subdivision Application)
9. Life Flight based out of St. Patrick Hospital in Missoula does serve this area. Life Flight would be overhead in about 12 -15 minutes from the time a call was received. (Elk Ridge Subdivision Application)
10. Marcus Daly Ambulance Service does respond to the area. The ambulance responding to the area would be coming from Stevensville with a response time between 10 to 15 minutes. (Elk Ridge Subdivision Application)
11. Missoula Emergency Service does respond to the area. Their average response time to the Granite Creek Road area would be approximately 20 to 30 minutes. (Elk Ridge Subdivision Application)
12. The average number of people per household in Ravalli County is 2.5. This proposal could add approximately 12.5 people to Ravalli County. (Census 2000)
13. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 could minimally mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

14. The applicants are proposing individual wells and wastewater treatment facilities for all lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Elk Ridge Subdivision File)
15. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Elk Ridge Subdivision File)
16. *The applicant would be required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

17. The northern property boundary of the proposed subdivision is located approximately 780 horizontal feet from Eight Mile Creek. (Ravalli County GIS)
18. Ravalli County Floodplain Administrator Laura Hendrix granted a floodplain analysis waiver request for the subject property on June 9, 2008. (Elk Ridge Subdivision Application)
19. In her letter dated June 9, 2008, Laura Hendrix recommended that the future property owners obtain flood insurance due to the proximity of the flood hazards as standard homeowner's insurance policies do not cover flood damages. (Elk Ridge Subdivision Application)
20. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
21. The addition of five new residential homes in an area that currently has low density development has the potential to create light pollution. Sky glow, glare, light trespass into

neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)

22. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites, as shown on the plat. (Elk Ridge Subdivision Application)
23. The preliminary plat shows that several lots have steep slopes (greater than 25%), which are required to be identified as a no build/alteration zone on the final plat. (Elk Ridge Preliminary Plat)
24. *To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:*
 - *A notification of very limited soils could be included in the notification document. A reduced copy of the final plat showing the approximate location of the "very limited" soils should be included with the notifications document as an exhibit. (Condition 1)*
 - *The notifications document could include a statement recommending all lot owners obtain flood insurance. (Condition 1)*
 - *The notifications document could include a provision recommending full cut-off lighting on new construction. (Condition 1)*
 - *The notifications document could include a statement regarding radon exposure. (Condition 1)*
 - *The no-build/alteration zones on slopes greater than 25% could be shown on the final plat, as proposed on the preliminary plat, and a statement about the no-build/alteration zones could be included in the notifications document. (Conditions 1 and 13)*

Conclusion of Law:

The impacts on public health and safety will only be minimal mitigated by the proposed mitigation to the impacts of the subdivision.

VARIANCE REQUEST

The applicant has requested a variance from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations for maximum cul-de-sac length. The subdivision regulations require cul-de-sacs to be no longer than 1,400 feet, but the proposed cul-de-sac length is approximately 2,300 feet.

Compliance with Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. The variance application states that Sandpiper Drive will be brought up to County standards and paved, which will enhance the public welfare of subdivision residents. In addition, adjoining properties to the north and south of the subdivision will benefit from the improved access and safety of the improved road. (Elk Ridge Variance Application)
2. The subdivision has the potential to generate 40 trips per day to the road system leading to the subdivision (Eight Mile Creek Road and Granite Creek Road), estimating 8 trips per day per lot. (Elk Ridge Subdivision Application)
3. Section 5-4-1(5) of the RCSR states that "road standards should be designed to promote public health, safety and welfare." Varying from the adopted road standards has a direct impact on public health and safety. (RCSR Section 5-4-1(5))
4. Section 5-4-1(9) of the RCSR states that "cul-de-sacs represent a viable means of providing access to properties provided the length does not become too long." (RCSR Section 5-4-1(9))
5. The RCSR require cul-de-sacs to be no longer than 1,400 feet, but the proposed road length is approximately 2,375 feet. (Elk Ridge Preliminary Plat)
6. In an email dated April 29, 2008, Dan Martin, Florence Fire Chief at the time, stated he did not have a problem with the length of Sandpiper Drive. (Exhibit A-3)
7. Case planner Randy Fifrick of the Planning Department met with current Florence Fire Chief Charlie Lambson and Professional Consultants, Inc. (PCI) to discuss the subdivision and variance request on February 12, 2009. Charlie stated he had no concerns about the internal subdivision road, Sandpiper Drive. (Exhibit A-4).
8. In an email, dated February 25, 2009, David Ohnstad, Ravalli County Road and Bridge Department (RCRBD) Director, stated in review of the proposed design and location of the referenced subdivision and with concern for public safety and emergency response, the Road & Bridge Department can not recommend the approval of the requested variance, which would substantially exceed the adopted standard. (Exhibit A-12)
9. When asked via email "if a hammerhead turnout were installed approximately 1,300 feet from the beginning of the internal road, Sandpiper Drive, would that change his recommendation on the variance" David Ohnstad replied via email on February 29, 2009 that a midway turnabout would likely mitigate the RCRBD concerns over cul-de-sac length, that they would need to review a design prior to making final recommendation. (Exhibit A-12)
10. In a letter dated September 25, 2008, Ravalli County Fire Warden Ronald Ehli, on behalf of the Ravalli County Fire Council requested that all interior roadways for new development be constructed with a travel surface of 20 feet with a minimum of 1-foot shoulders, for a total width of 22 feet (Exhibit A-6).
11. The increased road width is necessary so that fire apparatus can adequately provide service to home sites within new developments. (Staff Determination)
12. *To mitigate the impacts of this Sandpiper Drive on public health, safety and general welfare, Sandpiper Drive could be constructed with a paved travel surface of 20 feet and a minimum of 1-foot shoulders, for a total width of 22 feet. (Condition 8)*

13. A paved "hammerhead turnout" could be installed at the intersection of the existing driveway that serves the property to west and Sandpiper Drive. Road plans for the proposed turnout need to be reviewed and approved by the RCRBD prior to final plat approval. (Condition 16)

Conclusion of Law:

Based on comments received, staff has determined that the granting of this variance will not be substantially detrimental to the public health, safety, and general welfare when mitigated by the conditions of approval.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Findings of Fact:

1. The variance application states that the topography, slopes, and overall shape of this parcel combine to make this a unique situation regarding physical access, as a longer than normal road is needed to ascend the steep slopes on the west side of the property in order to reach the portion of the parcel that is developable. (Elk Ridge Variance Application)
2. There are other properties in Ravalli County with similar topography, slopes and overall shape. (Staff Determination)

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Findings of Fact:

1. The application states that the topography and slope of the northern portion of the parcel are the combined physical factors that determine the length of the road needed to serve the subdivision. There is no other option on ascending the slope and maintaining grades at 6% or less for most of the road alignment. (Elk Ridge Variance Application)
2. The applicant could propose a loop road that would connect back to Granite Creek Road further to the east and avoid the need for a variance from this requirement. (Staff Determination)

Conclusion of Law:

Physical conditions do not prevent the applicant from meeting the strict letter of the regulations.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

3. The unincorporated areas of Ravalli County are not zoned, excepting voluntary zoning districts. (Clerk & Recorder's Office)
4. The property is not within one of Ravalli County's adopted voluntary zoning districts. (Clerk & Recorder's Office)
5. Ravalli County voters voted to repeal the County's Growth Policy in the 2008 General Election. Consequently, Ravalli County does not have a Growth Policy. (2008 Ravalli County General Election (R-1-08))

Conclusion of Law:

Neither zoning regulations nor the Growth Policy apply to the variance request.

E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. The application states that the variance will not cause any increase in public costs. (Elk Ridge Variance Application)
2. Subdivision residents would be responsible for maintenance of Sandpiper Drive through a Road Maintenance Agreement. (Elk Ridge Variance Application)
3. The costs associated with improving the road are private costs to be borne by the developer. (RCSR 5-1-6)

Conclusion of Law:

Granting the variance should not cause a substantial increase in public costs.

Prerequisite Variance Criteria

A. Strict compliance with these regulations will result in undue hardship.

Findings of Fact:

1. The conclusion for Criterion B is that the conditions upon which the variance is proposed are not unique to the property.
2. The conclusion for Criterion C is that physical conditions do not prevent the applicant from meeting the strict letter of the regulations.

Conclusion of Law:

Strict compliance with these regulations will not result in undue hardship.

B. Compliance is not essential to the public welfare.

Findings of Fact:

1. The conclusion for Criterion A is that the granting of this variance will not be substantially detrimental to the public health, safety, and general welfare.
2. The conclusions for Criterion D are that zoning regulations do not apply to the variance request, and that consistency with an adopted growth policy is not applicable.
3. The conclusion for Criterion E is that the granting of the variance should not cause a substantial increase in public costs.

Conclusion of Law:

Compliance is not essential to the public welfare.

C. Overall Conclusion on Hardship and Public Welfare

The variance application provides evidence that there is not an undue hardship and that compliance with the RCSR is not essential to the public welfare.

RECEIVED

APR 22 2008

10-08-04-386
Ravalli County Planning Dept.

April 23, 2008

Randy Fifrick
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

Subject : Elk Ridge Minor Subdivision

Dear John:

Elk Ridge Minor Subdivision's preliminary plat shows 5 lots on 16.57 acres. The required parkland dedication would be about 0.6 acres. The park land dedication requirement is smaller than the desired size for a neighborhood park and the Subdivision is also located remotely from County populations. The Ravalli County Park Board, therefore, recommends that the applicants provide cash-in-lieu to meet their park obligation.

Thank you for providing us with the preliminary plant for comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,

Robert M. Cron
For
Gary Leese
Chairperson,
Ravalli County Parks Board

EXHIBIT A-1



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
May 27, 2008

Randy Fifrick
Ravalli County Planning Department
215 S. 4th St., Ste. F
Hamilton, MT 59840

Reference: Elk Ridge Estates (Basolo?)--Proposed minor (5 lots on 16.6 acres)
subdivision, Eightmile Creek, 6 miles east of Florence

Dear Mr. Lavey:

We have reviewed the preliminary plat and topographic vicinity map, and our comments follow.

The proposed subdivision is within identified deer and elk winter range in the Eightmile Creek area. However, this particular property is not an important component of the winter range, due partly to its relatively low elevation along lower Granite Creek. While any loss of habitat is not good, FWP foresees no direct adverse effect of this proposal on deer and elk winter range.

Wildlife species such as elk, white-tailed deer, coyote, fox, raccoon and skunk, as well as black bear and probable mountain lion and wolf, could be expected in this area. Numerous small-mammal and bird species would be found nearby. We believe there is a high likelihood of human/wildlife conflicts at this location if residents do not pay careful attention to protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. We recommend inclusion of "living with wildlife" covenants for this subdivision. Adherence to such guidelines should help residents of this subdivision deal with and avoid conflicts with wildlife. We have enclosed our recommended version of such covenants for this location.

We thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

EXHIBIT A-2

Covenants for Elk Ridge Estates minor subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; May 27, 2008

Section __: Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as elk, deer, moose, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.” Alternatively, see FWP’s web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on “all-species electric fencing” designed to exclude wildlife from gardens and/or home areas.)
- c. All **garbage** must be stored in bear-resistant containers or indoors. If stored indoors, garbage may not be taken outdoors until the morning of garbage pick-up and containers must be brought back in that evening. Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash storage sites. (If home sites are occupied seasonally, all garbage from the home and other buildings must be removed from the property before closing up for the season.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food

attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer can attract mountain lions to the area.

- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such as bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

Bill B

From: Dan Martin [dmartin@centric.net]
Sent: Tuesday, April 29, 2008 10:22 PM
To: Bill B
Subject: RE: RE: Elk Ridge Subdivision off of Granite Creek Road, Florence

Bill,

Sorry about the confusion. I tried to bring up my previous email to reword it but having trouble with my computer. Its going in for repair in the morning.

I do remember talking to you about the length of the one road. I don't have a problem with that. (sandpiper drive). I hope this helps. If you need anything else please let me know.

Dan Martin
Chief
Florence Fire

-----Original Message-----

From: Bill B [mailto:billb@pcimontana.com]
Sent: Monday, April 28, 2008 12:53 PM
To: dmartin@centric.net
Subject: FW: RE: Elk Ridge Subdivision off of Granite Creek Road, Florence

Hi Dan:

2nd request.

Please respond.

Thanks.

Bill

From: Bill B
Sent: Monday, April 21, 2008 10:40 AM
To: 'dmartin@centric.net'
Subject: RE: Elk Ridge Subdivision off of Granite Creek Road, Florence

Hi Dan:

Reference is made to your Email dated Wednesday the 9th of January, 2008 in which you provided comments on the subject subdivision.

We have now gone throught the review process with the County Planning Department and they have apparently misinterpreted your statement in item 2 of your Email to mean that you object to the length of the road, which is the subject of a variance request for the length of the cul-de-sac.

In your Email you stated this: "2. All roads internal roads to meet or exceed current county regulations."

However, you may recall when we met on the site, you made it clear to me that you had no objection to the length of the internal subdivision road.

4/30/2008

EXHIBIT A-3

It would be appreciated if you could kindly respond with a supplemental Email that indicates that you have no objections to the length of the internal subdivision road, Sandpiper Drive.

If there is any question regarding this or if we need to discuss this further before you send me a written response, please give me a call at 363-1201.

If you can respond to me this week, that would be appreciated.

Many thanks!

Bill Burnett
Planner
PCI-Hamilton

February 12, 2009 on site meeting at the Elk Ridge SD

Randy Fifrick, Charlie Lambson, Duncan Jakes, Bill Burnett, and Terry Basolo met on site to discuss the Elk Ridge Subdivision and Sandpiper Drive. Randy briefed them on his concern with the road and wanting to get everything worked out before the subdivision meetings. The group toured the property and Duncan discussed the engineering work he had done with the road plans. Randy discussed the idea of adding a hammerhead turnout where the existing private driveway is for mitigating the length of the cul-de-sac road. Charlie said he had no problems with 2,300 foot road because the proposed road grades were adequate and small size of the development.

Randy also asked Charlie about Granite Creek Road. Charlie said that road had been a problem for the fire department in the past for getting equipment in and out, but he didn't how the problems could be mitigated by the developer.

USE for all
districts.

RECEIVED

SEP 13 2005

Hamilton
Rural Fire
DISTRICT

Consensus of All Valley Fire
Council.

Ravalli County Planning Dept.

IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

EXHIBIT A-5

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may include a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.



RAVALLI COUNTY FIRE COUNCIL
PO BOX 410267
PINESDALE, MT 59841

September 25, 2008

Ravalli County Planning Dept.
C/O John Lavey, Tristen Riddell
215 South 4th Street, Suite "F"
Hamilton, Montana 59840

Dear John and Tristen,

Please consider this letter as a directive from the Ravalli County Fire Council as to our interpretation of the road standards to be used for all fire districts within Ravalli County.

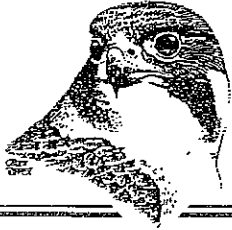
It is our interpretation that the standard road width will be 20 feet of road surface, with a minimum of 1-foot shoulders, which shall be designed and maintained to support the imposed loads of fire apparatus. The primary reasoning behind our decision is at an incident; on-coming fire trucks can safely pass each other without going on the shoulder of the road. We understand that the current subdivision regulations in Ravalli County only provide for an 18-foot surface, so we are requesting that this letter act as an amendment to such regulation until such time that the subdivision regulations of Ravalli County can be changed to meet the needs of the fire districts of Ravalli County.

Thank you for your timely consideration of this request. Any questions relating to this matter can be directed to myself, as Fire Warden, at 363-1231.

Sincerely,

Ronald J. Ehli
Ravalli County Fire Warden

EXHIBIT A-6



FLORENCE
CARLTON
SCHOOL

FCS Home Page: www.florence.k12.mt.us

RECEIVED

APR 24 2008
100804-412
Ravalli County Planning Dept

5602 Old Hwy 93
Florence MT 59833

JOHN MCGEE
SUPERINTENDENT
Ph. (406) 273-6751

DANIEL GRABOWSKA
PRINCIPAL, GR. 9-12
Ph. (406) 273-6301

AUDREY BACKUS
PRINCIPAL, GR. 6-8
Ph. (406) 273-0587

VANCE VENTRESCA
PRINCIPAL, GR. K-5
Ph. (406) 273-6741

CHRISSY HULLA
ASST. PRINCIPAL, GR. K-5
Ph. (406) 273-6741

JULIE MASON
BUSINESS MANAGER
Ph. (406) 273-6751

April 24, 2008

Ravalli County Planning Board
215 S. 4th Street, Suite F
Hamilton, MT 59840

Re: Elk Ridge Minor Subdivision

Dear Mr. Fifrick:

Your letter to the Florence-Carlton School District dated April 18, 2008, requested comments about the Elk Ridge Minor Subdivision. In anticipation of this and other subdivisions, our district formed a Mitigation Fee Committee. This committee took an in depth look at the impact subdivisions would have on our district. They used information commonly requested by the county commissioners when reviewing subdivisions, and information from an August 8, 2006 Impact Fee Study completed for our district. You will find that the district is requesting a fee of \$10,418 per lot, and will file this request with the Ravalli County Planning Board. We also wish to have it on record that the District will not provide transportation services for any students who do live on county roads.

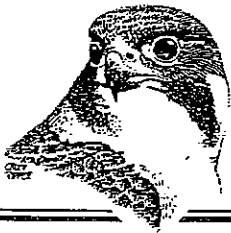
If you have any questions, please do not hesitate to contact me.

Sincerely,

John C. McGee
Superintendent

RECEIVED

FEB 23 2009
IC-09-02-126
Ravalli County Planning Dept.



FLORENCE
CARLTON
SCHOOL

FCS Home Page: www.florence.k12.mt.us

5602 Old Hwy 93
Florence MT 59833

JOHN MCGEE
SUPERINTENDENT
Ph. (406) 273-6751

February 20, 2009

DANIEL GRABOWSKA
PRINCIPAL, GR. 9-12
Ph. (406) 273-6301

Ravalli County Planning Board
215 S. 4th Street, Suite F
Hamilton, MT 59840

AUDREY BACKUS
PRINCIPAL, GR. 6-8
Ph. (406) 273-0587

Re: Elk Ridge Minor Subdivision and One Variance Request

CHRISSY HULLA
PRINCIPAL, GR. K-5
Ph. (406) 273-6741


Dear Mr. Fifrick:

JULIE MASON
BUSINESS MANAGER
Ph. (406) 273-6751

Your letter to the Florence-Carlton School District dated February 18, 2009, requested comments about the Elk Ridge Minor Subdivision and one variance request. In anticipation of this and other subdivisions, our district formed a Mitigation Fee Committee. This committee took an in depth look at the impact subdivisions would have on our district. They used information commonly requested by the county commissioners when reviewing subdivisions, and information from an August 8, 2006 Impact Fee Study completed for our district. You will find that the district is requesting a fee of \$10,418 per lot, and will file this request with the Ravalli County Planning Board. We also wish to have it on record that the District will not provide transportation services for any students who do live on county roads.

If you have any questions, please do not hesitate to contact me.

Sincerely,


John C. McGee
Superintendent

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax	Students October Count	County & State Levy*	Tax Levy Per Pupil		Per Pupil Tax Capital	Total	Tax Levy
	Except Capital			Exc Capital	Total Capital		Tax Levy Inc Capital	Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

RECEIVED

OCT 15 2007
IC-07-10-1305
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

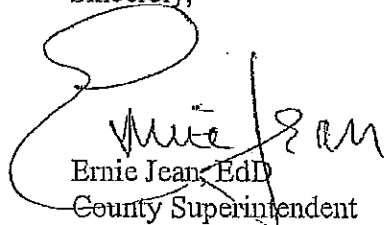
James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,


Ernie Jean EdD
County Superintendent

BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 10 2007

Ravalli County Planning Dept.

1C-07-06-729



June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day-one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5788
EMAIL: MIKE.WYRWAS@USPS.GOV

EXHIBIT A-10

Randy Ffrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Ffrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Ffrick [mailto:rffrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007

Randy Fifrick

From: Lea Jordan
Sent: Tuesday, April 01, 2008 1:29 PM
To: Karen Mahar; Karen Hughes; Renee Lemon
Subject: FW: Updated PM2.5 Data Review

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2008 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey
 Air Quality Specialist
 Air Resources Management Bureau
 MT Dept. of Environmental Quality
 (406) 444-5280; fax 444-1499
 Email: rjeffrey@mt.gov

EXHIBIT A-11

6/26/2008

Randy Fifrick

From: David Ohnstad
Sent: Wednesday, February 25, 2009 2:34 PM
To: Randy Fifrick
Subject: RE: Elk Ridge SD/Variance- request for comments

A midway turnabout would likely mitigate our concerns over cul-de-sac length; we would need to review a design prior to making final recommendation.

As far as Granite Creek Road, I am not certain that there is mitigation, short of re-construction, that would reasonably address the identified concerns. With 202 current ADT, Granite Creek Road already is likely far beyond reasonable capacity, given its many challenges. As noted below, Ravalli County has no plans to invest in any significant improvements on this Minor Local Access roadway. Any significant improvements would most likely occur through the establishment of a Rural Special Improvement District. The Road & Bridge Department will not recommend committing currently appropriated resources to such a project and the RSID would have to be approved in advance by a significant majority of property owners before we would make positive recommendation to the B.O.C.C. on such a proposal.

From: Randy Fifrick
Sent: Wednesday, February 25, 2009 12:54 PM
To: David Ohnstad
Subject: RE: Elk Ridge SD/Variance- request for comments

Thanks David.

If a hammerhead turnout were installed approximately 1,300 feet from the beginning of the internal road, Sandpiper Drive, would that change your recommendation on the variance? Also, is there any way you can see to mitigate the negative effects that you've brought up with concern to public safety for the variance request or Granite Creek Road?

Thanks again,

Randy Fifrick

*Ravalli County Planner I
 215 S 4th St, Suite F
 Hamilton, MT 59840
 406-375-6530
 rfifrick@ravallicounty.mt.gov*

From: David Ohnstad
Sent: Wednesday, February 25, 2009 12:43 PM
To: Randy Fifrick
Subject: RE: Elk Ridge SD/Variance- request for comments

The Road & Bridge Department invested in improvements to Eight Mile Creek Road last summer; however, there will remain an assessment for any additional traffic impact upon that roadway. Much of Granite Creek Road is an, essentially, unimproved trail with abrupt horizontal and vertical curvature, vertical roadway slopes (in-slopes and back-slopes), limited sight distances, substantial canopy and non-existent clear zones. Given its design and location, Granite Creek Road presents considerable challenges for winter roadway operations and is often subject to very icy conditions in the winter and significant surface distress during the summer.

In review of the proposed design and location of the referenced subdivision, and with concern for public safety

2/25/2009

EXHIBIT A-12

and emergency response, the Road & Bridge Department can not recommend the approval of the requested variance, which would substantially exceed the adopted standard. Granite Creek Road is functionally classified as a Minor Local Access roadway - there are no plans to make any substantive improvements to this roadway. With these given, in response to your question of increased traffic, our answer would be no - Granite Creek Road has neither the design nor structural capacity to assume additional traffic demand.

David

From: Randy Fifrick
Sent: Monday, February 23, 2009 10:39 AM
To: David Ohnstad
Subject: Elk Ridge SD/Variance- request for comments

Hi David,

I wanted to follow up on my phone conversation with you last week in regards to the requested variance on the Elk Ridge Subdivision and the subdivision itself. Hopefully by now you have received the agency contact letter I sent out last Wednesday, if not let me know. The variance is from 5-4-4(h) (Table 1) which requires roads ending in a cul-de-sac to be no longer than 1,400 feet, but the proposed road length is approximately 2,375 feet. The subdivision will be accessed by Eight Mile Creek Road and Granite Creek Road before traffic gets the internal subdivision road, Sandpiper Drive. The application states the estimated 40 new vehicle trips per day represents a 19.8% increase in the existing ADT's for Granite Creek Road.

If you could, please specifically address the variance from maximum cul-de-sac length, the conditions of the roads leading to the subdivision, and those roads ability to handle the increased traffic.

Thanks,

Randy Fifrick

Ravalli County Planner I
215 S 4th St, Suite F
Hamilton, MT 59840
406-375-6530
rfifrick@ravallicounty.mt.gov

2/25/2009